IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 1ST AUGUST 2007 / 10TH SRAVANA 1929

Bail Appl..No. 4632 of 2007()

CMP.2207/2007 of J.M.F.C.-II, CHENGANNUR
C.R.NO.158/06 OF CHENGANNUR EXCISE RANGE

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PETITIONER/ACCUSED

VIJAYAN,
S/O.MADHAVAN, PUNNAMMOTTIL VEEDU,
ORIPRAM MURI, CHENNITHARA, TRIPPERUMTHURA,
MAVELIKKARA.

BY ADV. SRI.R.VINOD

RESPONDENTS: COMPLAINANT/STATE

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A.NO. 4632 OF 2007

Dated this the 1st day of August, 2007

ORDER

Application for regular bail. The petitioner was allegedly found to be in possession of 1 litre of arrack on 14/6/07. He was arrested and continues in custody from that date. The learned Public Prosecutor points out that the petitioner has 10 cases under the Abkari Act pending against him.

2. The learned counsel for the petitioner prays that the petitioner may be enlarged on bail. The application is opposed by the learned Public Prosecutor.

3. In the wake of opposition by the learned Public Prosecutor, bail can be granted to the petitioner only if this Court is in a position to entertain both the satisfactions contemplated in Sec.41A of the Kerala Abkari Act. I am unable to entertain either of those two satisfactions.

4. This petition, in these circumstances, deserves to be and is hereby dismissed; but with the observation that the petitioner shall be at liberty to move this Court for bail at a later stage of the investigation – not at any rate, prior to 10/8/07. The Investigator shall, in the meantime, make every endeavour to complete the investigation.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge